

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TORIANO YOUNG,) No. C 07-3500 JSW (PR)
Petitioner,) ORDER OF DISMISSAL
vs.)
JOE McGRATH, Warden) (Docket No. 1)
Respondent.)

On June 29, 2007, Plaintiff filed a motion for an enlargement of time to file a habeas corpus petition without filing the petition itself (docket no. 1). On that same date, the Clerk of the Court notified Petitioner that he had not paid the filing fee and that he must either pay the filing fee or a complete application to proceed *in forma pauperis* in thirty days or the action would be dismissed. The Clerk also notified Petitioner that if he did not submit a complaint or petition within thirty days, the action would be dismissed. Petitioner has not filed a complaint or petition and he has not completed the application to proceed *in forma pauperis* or paid the filing fee. Accordingly, this case is DISMISSED without prejudice for failure to prosecute, pay the filing fee, and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file, terminate the motion as moot (docket no. 1) and enter judgment in this matter.

IT IS SO ORDERED.

DATED:October 29, 2007


Jeffrey S. White

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TORI AND YOUNG,

Case Number: CV07-03500 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

JOE MCGRATH et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 29, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Toriano Young
V30104
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dated: October 29, 2007

Jennifer Ottolini
Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk